

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13678 of 2026

Arising Out of PS. Case No.-708 Year-2025 Thana- HARSIDHI District- East Champaran

Md. Kalam @ Mohammad Kalam Hussain S/o Late Jamshed Miyan Resident
of village - Auraiya, P.S - Harsidhi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 12-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 103(1) and 61(2) of BNS and Section 27 of the Arms Act.

3. The case of the prosecution is that while the husband of the informant was returning from a party, the petitioner along with other intercepted him on his way and one Katil Akhtar fired at the husband of the informant due to which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that from perusal of the FIR, it is clear that main thrust of allegation is against one Katil



Akhtar who has fired upon the deceased. It has further been submitted that the petitioner was not even riding the same bike on which Katil Akhtar was there. It has also been submitted that from perusal of the postmortem report, it will transpire that the doctor conducting the autopsy of the person of the deceased has found following injuries :- (i) bleeding from nose and right ear (ii) bruise on right shoulder of size 3' x 1' (iii) one lacerated wound present on the right parietal area of skull of size ½' ½' x cavity deep with inverted margin (entry wound) (iv) swelling on left parietal area of skull. The cause of death is hemorrhage due to above mentioned injuries. There is no specific overt act of firing against this petitioner. Moreover, he is languishing in judicial custody since 19.10.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that the petitioner is having criminal antecedent of four cases.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Harsidhi P.S. Case No. 708 of 2025 on furnishing bail bond of



Rs.10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of learned Judicial Magistrate F.C., East
Champaran, Motihari.

(Ashok Kumar Pandey, J)

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